

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ST. CLAIR COUNTY EMPLOYEES') Civil Action No. 3:18-cv-00988
RETIREMENT SYSTEM, Individually and on)
Behalf of All Others Similarly Situated,) CLASS ACTION
)
Plaintiff,) District Judge William L. Campbell, Jr.
) Magistrate Judge Alistair E. Newbern
vs.)
) MOTION FOR LEAVE TO FILE UNDER
ACADIA HEALTHCARE COMPANY, INC.,) SEAL
et al.,)
)
Defendants.)
)
)

Pursuant to Rules 5.03 and 7.01 of the Civil Local Rules of Court ("L.R.") and Section 5.07 of Administrative Order No. 167-1, Lead Plaintiffs Chicago & Vicinity Laborers' District Council Pension Fund and New York Hotel Trades Counsel and Hotel Association of New York City, Inc. Pension Fund ("Plaintiffs")¹ hereby move the Court for leave to file under seal unredacted versions of: (1) the Memorandum of Law in Support of Plaintiffs' Motion for Sanctions Under Federal Rule of Civil Procedure 37(e) for Defendants' Spoliation of ESI; (2) the Declaration of J. Marco Janoski Gray in Support of Plaintiffs' Motion for Sanctions Under Federal Rule of Civil Procedure 37(e) for Defendants' Spoliation of ESI; and (3) Exhibits 2, 4, 9-17, 21-24, 27-31, 33-34, 38, 41-42 attached thereto (collectively, the "Sealed Documents"), filed contemporaneously herewith.

¹ "Defendants" are Acadia Healthcare Company, Inc. ("Acadia" or the "Company"), Deborah H. Jacobs as Executor of the Estate of Joey A. Jacobs, Brent Turner, and David Duckworth. Plaintiffs and Defendants are collectively referred to as the "Parties." All emphasis is added and internal citations omitted unless otherwise stated.

Under the Stipulated Protective Order (ECF 76) (“Protective Order”), Plaintiffs are required to “make redactions or take whatever reasonable steps are necessary to prevent publicly disclosing” information that is designated confidential information. Protective Order, §IX. Because the Sealed Documents contain or directly cite documents or deposition testimony Defendants in this action have designated “Confidential,” Plaintiffs move this Court to file them under seal even though they believe there is no basis for the documents to remain under seal.

Plaintiffs do not believe grounds exist to overcome the ““strong presumption in favor of openness as to court records.”” *Alyn v. S. Land Co., LLC*, 2016 WL 5126735, at *2 (M.D. Tenn. Sept. 20, 2016) (quoting *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016). “Generally, ‘only trade secrets, information covered by a recognized privilege (such as the attorney-client privilege), and information required by statute to be maintained in confidence (such as the name of a minor victim of a sexual assault), is typically enough to overcome the presumption of [public] access.’” *Lee v. Asurian Ins. Servs., Inc.*, 206 F. Supp. 3d 1307, 1308-09 (M.D. Tenn. 2016) (quoting *Rudd Equip. Co., Inc. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589, 594-95 (6th Cir. 2016)). As this Court has recently noted: “[T]he Court has been directed that “in class actions – where by definition some members of the public are also parties to the case – the standards for denying public access to the court record should be applied with particular strictness.”” *Strougo v. Tivity Health, Inc.*, 2022 WL 4180945, at *3 (M.D. Tenn. Aug. 18, 2022).

Under these circumstances, while Plaintiffs are required to ask these documents and testimony be filed under seal pursuant to L.R. 5.03, the burden is on Defendants to demonstrate “compelling reasons” for the documents to remain under seal. L.R. 5.03(a)-(b). “[T]he party who designated the materials as confidential” must demonstrate “that the sealing is narrowly tailored to those reasons by specifically analyzing in detail, document by document, the propriety of secrecy,

providing factual support and legal citations" in order for the Sealed Documents to remain under seal. *Id.*

DATED: April 25, 2025

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on April 25, 2025, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

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